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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,068	11/13/2003	David W. Ringel	6231-000004	7916

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EXAMINER

SIPOS, JOHN

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/712,068	RINGEL, DAVID W. 65	
	Examiner	Art Unit	
	John Sipos	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19, 21-28 and 32-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19, 21-28 and 32-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

MINOR INFORMALITIES

The terms “angled cradle” and “at an angle” used in the claims have very little meaning since no points of reference are set forth in the claims. These terms can mean any angle, including perpendicular and parallel relationships, relative to any surface or part of the device.

Claim 28 should be changed to depend on claim 2 to provide proper antecedence to the stapling heads.

REJECTIONS OF CLAIMS BASED ON PRIOR ART

Claims 1,3-6,15,17 and 19 are rejected under 35 U.S.C. ' 102(b) as being clearly anticipated by the patent to Russell (4,333,300). The patent to Russell shows a packaging work cell, which comprise an inbound portion (22a) that comprises a “cradle” or “platform” and an outbound portion that comprises a “cradle” extending at an angle along the table (12a). Regarding claim 1, the inbound portion comprises adjacent angled cradles for supporting the container at an angle: for example, with one of the parts of the cradle having belts 28a and the second one having the belts 300,302,304 or 308. Regarding claim 15, the outbound portion comprises a cradle with two angled portions 154a and 178a that are movable between a forward position and a rearward position (the motions of which are specifically described and shown in the parent patent 4,159,611 described in Russell). Note that the inbound and outbound portions are at “an angle” less than 180 degrees relative to each other in that the outbound portion is positioned at 90 degrees relative the inbound portion.

Regarding claim 15, since the manual operations performed at the inbound and outbound portions are not structural limitations but merely set forth a use for the platforms, they are given little patentable weight.

Claims 8,10,11,15,18,20 and 21 are rejected under 35 U.S.C. ' 103(a) as being unpatentable over the patent to Russell (4,333,300) in view of the Admitted Prior Art. The use of mounting devices for supporting materials (claim 10), label holders (claim 11) and compartments (claim 12,18) are well known in the art and would have been obvious to one of ordinary skill in the art to use them in Russell for their inherent purposes, i.e. supports, storage for label and compartments for storing various articles. The assertions made by the Examiner in the last Office action and Applicants silence regarding these claims are considered as an admission of prior art.

Claims 2 and 16 are rejected under 35 U.S.C. ' 103(a) as being unpatentable over the patent to Russell (4,333,300), as applied above, and further in view of Harkness (3,830,036). The Harkness patent shows a packaging work cell which comprise an inbound portion (22) and an outbound portion (30) oriented at approximately 135 degrees relative to the inbound portion (see Figure 1) to aid the operator to easily reach different portions of the cell. It would have been obvious to one skilled in the art to position the container-closing outbound portion of the work cell of Russell at approximately 135 degrees as taught by Harkness to permit the operator to easily reach different parts of the cell.

Claims 7-9,13,14,22-28 and 32-34 are rejected under 35 U.S.C. ' 103(a) as being unpatentable over the patent to Russell (4,333,300), as applied to the claims above, and further in view of the patent to Paxton (3,126,685). The basic reference lacks the use of fastener mechanisms. The patent to Paxton shows a carton-stapling machine that comprises a transferring

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device 78,79 into and out of the stapling machine, upper stapling device 83, a lower stapling device 82 and two alignment mechanisms 80 and 81. It would have been obvious to one skilled in the art to provide the closing devices of Russell with a stapling machine as shown by Paxton to positively seal the containers.

RESPONSE TO APPLICANT'S ARGUMENTS

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. It should however be noted that contrary to applicants' arguments the patent to Russell does comprise more than one inbound cradle since it has more than one inbound parts and conveying mechanisms within its inbound portion 22a. Similarly the outbound portion comprises a cradle extending along the table and has movable portions 154a and 178a.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication should be directed to **Examiner John Sipos** at telephone number **571-272-4668**. The examiner can normally be reached from 6:30 AM to 4:00 PM Monday through Thursday.

The **FAX** number for Group 3700 of the Patent and Trademark Office is **(703) 872-9302**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Rinaldi Rada, can be reached at **571-272-4467**.


John Sipos
Primary Examiner
Art Unit 3721